

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

FILED

2013 APR 11 PM 4:39

CLERK US DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY \_\_\_\_\_

BENJAMIN ERNST,  
Plaintiff,

V.

WELLS FARGO, N.A.,  
Defendant.

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CAUSE NO. 5:12-CV-1134-JRN

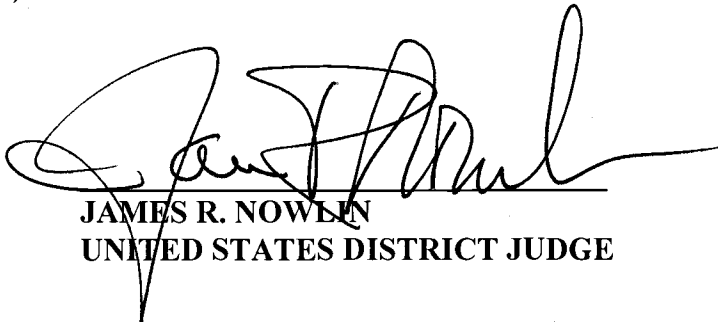
**FINAL JUDGMENT**

Before the Court is the above-entitled cause of action. On April 10, 2013, Plaintiff filed a notice of dismissal with prejudice. *See* Clerk's Dkt. No. 18. Under Rule 41(a) of the Federal Rules of Civil Procedure, a plaintiff may dismiss an action without a court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. In the present case, Defendants have not yet served either an answer or a motion for summary judgment. Accordingly, Plaintiff has successfully dismissed the above-entitled cause of action, and the Court hereby enters the following Final Judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

**IT IS ORDERED** that all relief not expressly granted is hereby **DENIED**

**IT IS FURTHER ORDERED** that this action is hereby **CLOSED**.

**SIGNED** this 11<sup>th</sup> day of April, 2013.



JAMES R. NOWLIN  
UNITED STATES DISTRICT JUDGE